

REMARKS

Claims 1-3, 5-16 and 18-40 are currently pending in the subject application and are presently under consideration. In a Final Office Action dated February 6, 2008, all claims were rejected. In the present response, Applicant amends claims 1, 3, 16, 29, 30, and 35.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 36-40 Under 35 U.S.C §112

Claims 36-40 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. It was alleged that the phrase “computer program product” was not described in the specification. Applicants have amended claim 36 to now claim a “computer-readable medium”, which is described in the specification in paragraph 0093. It is believed that this amendment cures the alleged defect.

II. Rejection of Claims 36-40 Under 35 U.S.C §112

Claims 36-40 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It was alleged that the phrase “computer-readable medium comprising computer code” is vague and indefinite because it is allegedly unclear how a medium can comprise instructions. Applicants have amended claim 36 to now claim a “computer-readable medium having computer usable instructions stored thereon”. It is believed that this amendment cures the alleged defect.

III. Rejection of Claims 36-40 Under 35 U.S.C. §101

Claims 36-40 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. It was alleged that the phrase “computer-readable medium comprising computer code” are only instructions, which fail to fall into a statutory category. Applicants have amended claim 36 to now claim a “computer-readable medium having computer usable instructions stored thereon”. It is believed that this amendment cures the alleged defect.

IV. Rejection of Claims 1, 3, 5, 16, 29, 30, 34 and 36 Under 35 U.S.C. §103(a)

Claims 1, 3, 5, 16, 29, 30, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Asanuma (5,983,113) in view of Ohlson (5,638,361). It was alleged that Asanuma teaches all of the elements of Applicants' claims, except that Asanuma fails to teach elements relating to a satellite system. It was further alleged that it would be obvious for one skilled in the art to combine the references to arrive at Applicants' claimed subject matter.

Regarding claims 3 and 29, Applicants do not believe that Asanuma (or Ohlson, for that matter) teach a reverse link reference signal, the reverse link reference signal "derived from a reference located at the ground station and delayed by a round trip delay to a reference point on earth through the satellite", as claims 3 and 29 now recite. Asanuma is silent about how the reference signal is derived. For this reason alone, Applicants believe that the rejection to claims 3 and 29 should be withdrawn.

With regard to claims 1, 16, 30, and 36, Applicants do not believe that Asanuma or Ohlson teaches that the control signal is "based at least in part on a comparison of the second pilot signal and a reverse link reference signal, the reverse link reference signal derived from a reference located at the ground station and delayed by a round trip delay to a reference point on earth through the satellite". Again, Asanuma is silent about how the reference signal is derived. Applicants, therefore, believe that the rejections to claims 1, 16, 30, and 36 be withdrawn.

With regard to claims 5 and 34, Applicants believe that these claims are allowable as being based on allowable claims, namely claims 3 and 30, respectively.

V. Rejection of Claims 2, 8, 20, 31 and 37 Under 35 U.S.C. §103(a)

Claims 2, 8, 20, 31 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Asanuma (5,983,113) in view of Ohlson (5,638,361) and further in view of Walsh (2004/0147222). Applicants believe that these claims are allowable as being based on allowable claims and that the rejections should be withdrawn.

VI. Rejection of Claims 6, 7, 9-14, 18, 19, 21-28, 32, 33, 38 and 39 Under 35 U.S.C. §103(a)

Claims 6, 7, 9-14, 18, 19, 21-28, 32, 33, 38 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Asanuma (5,983,113) in view of Ohlson (5,638,361) and further in view of Hashem (7,151,944). Applicants believe that these claims are allowable as being based on allowable claims and that the rejections should be withdrawn.

VII. Rejection of Claims 15, 35 and 40 Under 35 U.S.C. §103(a)

Claims 15, 35 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Asanuma (5,983,113) in view of Ohlson (5,638,361) and further in view of Willars (6,449,290). Applicants believe that these claims are allowable as being based on allowable claims and that the rejections should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP855US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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